



PATENT #5
Docket No. 532212000300

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service (Express Mail Label No.: EV 042194775 US) under 37 C.F.R. § 1.10 and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on September 24, 2002.

Rhea Amid
Rhea Amid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Thomas L. CANTOR

Serial No.: 09/636,530

Filing Date: August 10, 2000

For: PARATHYROID HORMONE
ANTAGONISTS OR MODULATORS
AND METHODS THEREFOR

Examiner: To be assigned

Group Art Unit: To be assigned

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Box Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant petitions for revival, as unintentionally abandoned, the above-referenced U.S. patent application, under 37 CFR §1.137(b). In accordance with Rule 137(b), this petition is accompanied by (1) a proposed response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosure mailed out on December 7, 2000 ("Notice to Comply") in the form of the attached Corrected Sequence Listings and extension fees under 37 CFR §1.136(a); (2) payment of the fee required by 37 CFR §1.17(m); and (3) a statement that the delay in prosecution was unintentional.

09/27/2002 CHUUYEN 00000006 031952 09636530

01 FC:241 640. CH
10/18/2002 AKELLEY 00000021 031952 09636530

01 FC:2051 65.00 CH
sd-110316

RECEIVED

SEP 30 2002

OFFICE OF PETITIONS

The previous prosecuting attorney Brian D. Voyce (Reg. No. 28,917) did not timely respond to the Notice to Comply and did not communicate to the Applicant about his failure to file a timely response to the Notice to Comply. Prior to the June 7, 2001 date, the Applicant was not aware, nor was the Applicant informed, that the deadline for responding to the Office Action was June 7, 2001. In April, 2002, the Applicant consulted with the undersigned and was advised of the June 7, 2001 deadline. The Applicant then retained the undersigned to start the process of reviving the above-referenced U.S. patent application.

In sum, both the failure to timely respond to the Notice and the brief delay in filing a petition to revive the application were unintentional.

Should any further information be required to fully consider this petition, a call to the undersigned at the telephone number listed below is cordially invited.

The Assistant Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to

Deposit Account No. 03-1952. A duplicate copy of this petition is enclosed for that purpose.

- ☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 532212000300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: September 24, 2002

By: 

Peng Chen
Registration No. 43,543

Morrison & Foerster LLP
3811 Valley Centre Drive, # 500
San Diego, CA 92130-2332
Telephone: (858) 720-5117
Facsimile: (858) 720-5125